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| APPLICATION NO.                 | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---------------------------------|-------------|----------------------|---------------------|------------------|
| 10/549,552                      | 03/20/2006  | Max Daniel Woodhams  | URQU.P-018          | 3865             |
| 57381                           | 7590        | 10/05/2007           |                     |                  |
| Marina Larson & Associates, LLC |             |                      | EXAMINER            |                  |
| P.O. BOX 4928                   |             |                      | BRAHAN, THOMAS J    |                  |
| DILLON, CO 80435                |             |                      |                     |                  |
|                                 |             |                      | ART UNIT            | PAPER NUMBER     |
|                                 |             |                      | 3654                |                  |
|                                 |             |                      | MAIL DATE           | DELIVERY MODE    |
|                                 |             |                      | 10/05/2007          | PAPER            |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                               |                                      |  |
|------------------------------|-------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/549,552 | Applicant(s)<br>WOODHAMS, MAX DANIEL |  |
|                              | Examiner<br>Thomas J. Brahan  | Art Unit<br>3654                     |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/2/06</u> . | 6) <input type="checkbox"/> Other: _____  |

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1. The following is a quotation of the all of the paragraphs of 35 U.S.C. § 112:
  - 1) The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
  - 2) The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which applicant regards as his invention.
  - 3) A claim may be written in independent or if the nature of the case admits, in dependent or multiple dependent form.
  - 4) Subject to the following paragraph, a claim in dependent form shall contain a reference to a claim previously set forth and then specify a further limitation of the subject matter claimed. A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers.
  - 5) A claim in multiple dependent form shall contain a reference, in the alternative only, to more than one claim previously set forth and then specify a further limitation of the subject matter claimed. A multiple dependent claim shall not serve as a basis for any other multiple dependent claim. A multiple dependent claim shall be construed to incorporate by reference all the limitations of the particular claim in relation to which is being considered.
  - 6) An element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof.
2. Claims 14, 20 and 21 are rejected under 35 U.S.C. § 112, second and fourth paragraphs, as failing to further limit the invention of the claim from which they depend and failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 14, 20 and 21 are improper hybrid claims. The scope of each of these claims is unclear as they may or may not include all of the limitations of the claims from which they depend. These claims will be considered as independent claims with the new rule changes. Applicant must pay for them to be examined as such if they are not cancelled in response to this action.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

  - (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
  - (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirement of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.
4. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior

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art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103.

5. Claims 1, 6, 10, 14, 15, 17 and 20, as best understood, are rejected under 35 U.S.C. § 102(e) as being anticipated by Titchener. Titchener shows a stairlift chair including a pair of armrests, each of the said armrests having an upper surface; and a control interface mounted on one of said armrests, said chair being characterized in that said control interface has a palm contacting surface which forms a substantial extension of the upper surface of the armrest to which said interface is attached.

The control interface has angled upwardly positions which are out of the plane of said upper surface, as recited in claim 6, and avoids point loading on a user's palm when in use, as recited in claims 10 and 17. A sensor (40,42) is provided to sense when a user is occupying said chair, which isolates the hand operated control, as recited in claim 15.

6. Claims 1-7, 10-14, 16-21, as best understood, are rejected under 35 U.S.C. § 102(b) as being anticipated by Voves et al. Voves et al shows a stairlift chair including a pair of armrests (42), each of the said armrests having an upper surface; and a control interface (46) mounted on one of said armrests, said chair being characterized in that said control interface (46) has a palm contacting surface (just above and at a right angle to the buttons 170) which forms a substantial extension of the upper surface of the armrest to which said interface is attached.

The control interface is pivotable about a substantially vertical axis, when in the orientation shown in figure 2, as recited in claim 2. The control interface is curved as to avoid point loading on a user's palm when in use, as recited in claims 3 and 17. The control interface has a substantially planar upper surface (on which the hand rests) and side surfaces aligned substantially perpendicularly to said upper surface, as recited in claims 4 and 19. The armrests have a longitudinal axis, the position of said control interface (at 46) being adjustable along the longitudinal axis, as recited in claim 5. The control interface is angled upwardly out of the plane of the upper surface of the armrest, when pivoted upwardly, as recited in claim 6. The control interface embodies a power isolation switch, (an on/off switch), as recited in claims 7 and 16. The chair includes two spaced armrests, each armrest having a rear end, a forward end, and a longitudinal axis, and a control interface (at 46) positioned on the forward end of one of the armrests, with the position of the control interface adjustable along said longitudinal axis, as recited in claim 8. The interface being upwardly angled with respect to the armrest, when pivoted upwardly and includes a palm contacting surface constructed and arranged to avoid point loading on a user's palm with side surfaces configured to permit smooth contact by the side of a user's hand, as recited in claim 10. The palm

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contacting surface can underlie at least 50% of the area of a user's palm, as recited in claim 11. The armrest includes a body member engageable by a user's hand when the stairlift is in use, the interface being characterized in that the body member is formed in two parts (44 and 46) which are displaceable with respect to one with a first configuration with the control interface being capable of being inactive (turned off), as recited in claim 12, with the body parts feeling different in the two configurations, as recited in claim 13.

7. Claims 1, 6, 10, 11, 14, 17 and 19, as best understood, are rejected under 35 U.S.C. § 102(b) as being anticipated by Hester et al. Hester et al shows a stairlift chair including a pair of armrests (7), each of the said armrests having an upper surface; and a control interface (8) mounted on one of said armrests, said chair being characterized in that said control interface (8) has a palm contacting surface (just aft of control) which forms a substantial extension of the upper surface of the armrest to which said interface is attached.

8. Claims 5, 8 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Houston et al. Hester et al shows the basic claimed lift. It varies from claim 5 by not having the control interface (8) longitudinally adjustable. Houston et al shows a similar control interface (108) movably mounted on its armrest. It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to modify the control interface (8) of Hester et al by making it longitudinally slideable along its armrest, for adjustments for each user, as taught by Houston.

9. Tremblay et al and Yamada are cited as showing similar chairlifts.

10. An inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Brahan whose telephone number is (571) 272-6921. The examiner's supervisor, Mr. Peter Cuomo, can be reached at (571) 272-6856. The fax number for all patent applications is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Questions regarding access to the Private PAIR system, should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Thomas J. Brahan  
Primary Examiner  
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